

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS

PRODUCTS LIABILITY LITIGATION

Case No.

MDL-15-02641-PHX-DGC

This Document Relates To:

Tricia Rees and Garrett Rees
Case No. 2:18-CV-00252-PHX-DGC

MOTION TO WITHDRAW AS COUNSEL OF RECORD

Matthew D. Schultz of the law firm Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A., hereby moves this Court pursuant to LRCiv 83.3(b) for an Order allowing him to withdraw as counsel of record in this action for the following reasons.

1. This action was filed January 24, 2018, on behalf of Tricia Rees and her husband Garrett Rees. Ms. Rees claimed injuries due to perforation and a post-implant pulmonary embolism.

2. Ms. Rees passed away on May 17, 2018. On June 19, counsel obtained a copy of her death certificate and determined that the causes of death were wholly unrelated to her IVC filter. The undersigned believes maintaining this action is untenable under the circumstances.

3. Counsel contacted Mr. Rees on June 25 seeking permission to dismiss the action. Mr. Rees did not respond. Counsel made additional efforts to contact Mr. Rees, including multiple phone calls and messages, but Mr. Rees did not respond. On August 22, 2018, counsel sent a letter to Mr. Rees explaining that Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A. would seek to withdraw from representation.

4. Additional calls made after the August 22 letter also have gone unanswered. Thus, Mr. Rees has not consented to this withdrawal, but has not expressly opposed it either.

5. Given that the withdrawal of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A. will leave Garrett Rees without representation, counsel notes that there is not trial set in this matter and there are no pending motions. Mr. Rees' current address is S70W18842 Gold Drive, Muskego, WI 53150. His current phone number is 414-313-0607. A copy of this motion will be served on Mr. Rees.

WHEREFORE, counsel respectfully moves the Court for an Order withdrawing Matthew D. Schultz and the law firm of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A. from representation of Plaintiffs Tricia Rees and Garrett Rees. A proposed order has been filed herewith.

Dated: October 29, 2018.

Respectfully submitted,

/s/ Matthew D. Schultz
Matthew D. Schultz, Esq., FL Bar # 640328
Levin, Papantonio, Thomas, Mitchell,
Rafferty & Proctor, P.A.
P.O. Box 12308 (32591-2308)
316 S. Baylen St., Suite 600
Pensacola, Florida 32502
mschultz@levinlaw.com
(850) 435-7140
(850) 435-7020 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2018, a true and accurate copy of the foregoing was served upon Plaintiff Garrett Rees by certified U.S. Mail, return receipt requested and filed electronically via the Court's CM/ECF system, and thereby served on all parties who have filed a notice of appearance using the CM/ECF system.

/s/ Matthew D. Schultz
Matthew D. Schultz